

रजिस्टर नं ० फी०/एस० एम० १४



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिवालिक, बीरवार, 21 अगस्त, 1986/30 आवण, 1908

हिमाचल प्रदेश सरकार

HIMACHAL PRADESH VIDHAN SABHA SECRETARIAT

NOTIFICATIONS

Shimla-2, the 20th August, 1986

No. 1-40/86-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, the Himachal Pradesh Municipal

Corporation (Amendment) Bill, 1986 (Bill 14 of 1986) having been introduced on the 20th August, 1986, in the Himachal Pradesh Vidhan Sabha is hereby published in the Gazette.

V. VERMA,
Secretary.

Bill No. 14 of 1986.

**THE HIMACHAL PRADESH MUNICIPAL CORPORATION
(AMENDMENT) BILL, 1986**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Himachal Pradesh Municipal Corporation Act, 1979 (Act No. 9 of 1980).

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Municipal Corporation (Amendment) Act, 1986.

Short title
and
commencement.

(2) Section 2 and section 4 of this Act shall come into force at once and the remaining provisions of this Act shall be deemed to have come into force on the 17th day of July, 1986.

2. The existing proviso to sub-section (5) of section 5 of the Himachal Pradesh Municipal Corporation Act, 1979 (hereinafter called the principal Act) shall be omitted,

Amendment
of section
5.

3. For section 6 of the principal Act, the following section, along with its heading, shall be substituted, namely:—

Substitution
of section
6.

“6. Special representation to women and others.—(1) If no woman has been elected to a Corporation or only one woman is elected, the Government shall nominate two women or such number of women as fall short of two from amongst the weaker sections of the society who is or are otherwise qualified to be elected as councillor(s) of the Corporation.

(2) The Government shall nominate three persons to a Corporation, who are otherwise qualified to be elected as councillors of the Corporation, having special knowledge or practical experience in respect of such matters as the following, namely:—

architecture, education, engineering, environmental conservation, law, medical science, administration, trade or commerce, tourism and social service:

Provided that the councillors nominated under this sub-section shall not be entitled to vote at, but shall, subject to the other provisions of this Act, have the right to speak in and otherwise take part in the proceedings of any meetings of the Corporation or its committees of which he may be a member.

(3) Whenever a casual vacancy occurs in the office of the nominated councillor, fresh nomination shall be made within a period of thirty days of the occurrence of the vacancy."

4. In section 37 of the principal Act,—

(a) for existing sub-section (1), the following sub-section (1), shall be substituted, namely:—

"(1) The Corporation shall, in the prescribed manner, elect one of its elected members to be the mayor and another elected member to be the deputy mayor of the Corporation."; and

(b) for the words "one of its members" occurring in sub-section (3), the words "one of its elected members" shall be substituted.

5. In section 41 of the principal Act,—

(a) for the words "the two deputy mayors" occurring in sub-section (4), the words "the deputy mayor" shall be substituted; and

(b) for sub-section (5), the following sub-section (5) shall be substituted, namely:—

"(5) Each Committee shall elect one of its elected members as the chairman and another elected member as the vice-chairman."

6. Notwithstanding anything to the contrary contained in the principal Act, any right of vote exercised before the commencement of this section by any councillor, nominated under sub-section (2) of section 6 of the said Act, in the meetings of the Corporation or its Committees, shall and shall always be deemed to have been validly and lawfully exercised.

7. (1) The Himachal Pradesh Municipal Corporation (Amendment) Ordinance, 1986 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act had come into force on the day on which such thing was done or such action was taken.

STATEMENT OF OBJECTS AND REASONS

The Himachal Pradesh Municipal Corporation Act, 1979 (9 of 1980) is in force in the capital town of the State. It was felt that in fast developing cities like Shimla, civic administration has to face varied challenges in the discharge of its civic obligations. It was, therefore, considered necessary to give representation to persons who have special knowledge and experience in respect of matters which touch civic administration such as architecture, education, administration, engineering, environmental conservation, law, medical science, trade or commerce, tourism and social service.

Since the Legislative Assembly was not in session and the proposed amendments had to be given effect immediately, the Himachal Pradesh Municipal Corporation (Amendment) Ordinance, 1986 (Himachal Pradesh Ordinance No. 2 of 1986) was promulgated under Clause (1) of Article 213 of the Constitution of India by the Governor of Himachal Pradesh on the 17th July, 1986 and was published the same day in the Rajpatra, Himachal Pradesh (Extra-ordinary). The said Ordinance is now required to be replaced by a regular enactment.

On reconsideration it is felt that the three councillors nominated under sub-section (2) of section 6, as substituted by the aforesaid Ordinance, may not have the right to vote at any meeting of the Corporation and its committees. On the other hand, it is necessary that the associate councillor(s) of the Corporation who is/are elected representative(s), in the Vidhan Sabha, of the area should have such right without holding any office under the Corporation to enable him/them effectively to discharge his/their obligations as councillors of the Corporation. This has necessitated further amendments in sections 5, 6, 37 and 41 of the principal Act.

Hence this Bill seeks to replace the aforesaid Ordinance with modifications.

SHIMLA :
THE 20-8-1986.

RAM LAL THAKUR,
Minister-in-charge.

FINANCIAL MEMORANDUM

Clause 3 of the proposed Bill when enacted will involve extra recurring expenditure out of the Corporation Fund of the Shimla Municipal Corporation to the tune of rupees 12,600/- per annum on account of the daily allowance payable to the nominated councillors for attending the meetings of the said Corporation. If necessary, the State Government may have to provide financial assistance by way of grant-in-aid to the Corporation. It is not possible to anticipate the precise quantum of expenditure to be incurred out of the State exchequer on the enactment of this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION
NILRECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE
CONSTITUTION OF INDIA

[File No. L.S.G-A (3)-25/84-II]

The Governor of Himachal Pradesh, having been informed of the subject matter of the Himachal Pradesh Municipal Corporation (Amendment) Bill, 1986, recommends, under Article 207 of the Constitution of India, the introduction and consideration of the said Bill in the Legislative Assembly.

**STATEMENT EXPLAINING CIRCUMSTANCES WHICH NECESSITATED
MODIFICATIONS IN ORDINANCE NO. 2 OF 1986.**

Presently the councillors nominated under sub-section (2) of section 6 as inserted by Ordinance No. 2 of 1986 in the principal Act exercise the right of vote at the meetings of the Corporation and its committees and the associate councillor(s) who is/are elected representative(s), in the Vidhan Sabha, of the area does not exercise such right.

It is desirable that the councillors nominated under sub-section (2) of section 6 of the principal Act may not have the right of vote at the meetings of the Corporation and its committees; on the other hand associate councillor(s) should have such right without holding any office under the Corporation. The Ordinance providing for the nomination of councillors in the Corporation came into force *w.e.f.* the 17th day of July, 1986, the possibility of the said nominated councillors of having exercised the right of vote at the meetings of the Corporation as also its committees cannot be ruled out. It is, therefore, necessary to validate the exercise of vote if any by the said councillors.

In these circumstances, it has become necessary to modify the H.P. Ordinance No. 2 of 1986, promulgated by the Governor on the 17th July, 1986.

Shimla-4, the 20th August, 1986

No. 1-41/86-VS.—In pursuance to rule 135 of the Rules of Procedure and Conduct of Business of Himachal Pradesh Legislative Assembly, 1973, the Himachal Pradesh Legislators (Modifications of Certain Amenities) Bill, 1986 (Bill No. 15 of 1986) having been introduced on the 20th August, 1986 in the Himachal Pradesh Vidhan Sabha, is hereby published in the Gazette.

V. VERMA,
Secretary.

Bill No. 15 of 1986.

THE HIMACHAL PRADESH LEGISLATORS (MODIFICATIONS OF CERTAIN AMENITIES) BILL, 1986

(As INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the laws relating to the grant of allowances/amenities and pension to the Ministers, Speaker, Deputy Speaker, Deputy Ministers and Members of the State Legislature.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Legislators (Modifications of Certain Amenities) Act, 1986.

(2) It shall come into force at once.

Short title and commencement.

2. In the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971,—

Amendment of the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971.

(a) for the existing section 3, the following section 3, along with its heading, shall be substituted, namely:—

“3. Salaries and daily allowances of Ministers.—Each Minister shall be entitled to receive a salary at the rate of one thousand and five hundred rupees per mensem and an allowance for each day during the whole of his term as such Minister at the same rates as are specified in clause (ii) of sub-section (1) of section 4 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 with respect to members of the State Legislative Assembly.”; and

(b) after section 3 so substituted, the following section 3-A, along with its heading, shall be added, namely:—

“3-A. Sumptuary allowance to Ministers.—There shall be paid a sumptuary allowance to each Minister at the following rates, namely:—

(a) the Chief Minister Rupees one thousand two hundred and fifty per mensem;

(b) every other Minister who is a member of the Cabinet Rupees seven hundred per mensem;

(c) a Minister of State Rupees five hundred per mensem.”

3 of 1971

8 of 1971

3. In the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971,—

4 of 1971

(a) for the existing section 3, the following section 3, along with its heading, shall be substituted, namely:—

“3. Salary etc. of the Speaker.—(1) The Speaker shall be entitled to receive a salary at the rate of one thousand and five hundred rupees per mensem and an allowance for each day during the whole of his term as such Speaker at the same rates as are specified in clause (ii) of sub-section (1) of section 4 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 with respect to members of the State Legislative Assembly.

8 of 1971

(2) The Speaker during the term of his office shall be provided by the State Government a free furnished house at Shimla, the maintenance charges of which shall be borne by the State Government. The State Government may also allow him to continue in free occupation of the house for a period not exceeding fifteen days from the date of his ceasing to be the Speaker.”;

(b) section 3-A shall be omitted;

(c) for the existing section 4, the following section 4, along with its heading, shall be substituted, namely:—

“4. Salary etc. of the Deputy Speaker.—(1) The Deputy Speaker shall be entitled to receive a salary at the rate of one thousand and five hundred rupees per mensem and an allowance for each day during the whole of his term as such Deputy Speaker at the same rates as are specified in clause (ii) of sub-section (1) of section 4 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971 with respect to members of the State Legislative Assembly.

8 of 1971

(2) The Deputy Speaker during the term of his office shall be provided by the State Government a free furnished house at Shimla, the maintenance charges of which shall be borne by the State Government or in lieu thereof he shall be paid such allowance not exceeding three hundred rupees per mensem as the State Government may fix. The State Government may also allow him to continue in free occupation of the house for a period not exceeding fifteen days from the date of his ceasing to be the Deputy Speaker.

Explanation.—The Deputy Speaker shall not become liable personally for any payment in case the standard rent of the house allotted to him for residence exceeds one hundred and fifty rupees per mensem.”; and

(d) after section 4, the following new section 4-A, along with its heading, shall be inserted, namely:—

“4-A. Sumptuary allowance.—There shall be paid to the Speaker a sumptuary allowance of eight hundred and fifty rupees per mensem and to the Deputy Speaker a sumptuary allowance of five hundred rupees per mensem.”

5 of 1971

4. In the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971,—

(a) for the existing section 3, the following section, along with its heading, shall be substituted, namely:—

“3. Salary etc. of the Deputy Ministers.—(1) Each Deputy Minister shall be entitled to receive a salary at the rate of one thousand and four hundred rupees per mensem and an allowance for each day during the whole of his term as such Deputy Minister at the same rates as are specified in clause (ii) of sub-section (1) of section 4 of the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971, with respect to members of the State Legislative Assembly.”;

8 of 1971

(b) after section 3 so substituted, the following section 3-A, along with its heading, shall be added, namely:—

“3-A. Sumptuary allowance.—In addition to the salary and other perquisites admissible to him under this Act, a sumptuary allowance at the rate of three hundred rupees per mensem shall also be paid to the Deputy Minister.”; and

(c) for the words “The allowances” appearing at the beginning of section 9-A, the words “The salary and allowances” shall be substituted.

8 of 1971

5. In the Himachal Pradesh Legislative Assembly (Allowances and Pension of Members) Act, 1971,—

(a) in Explanation II of sub-section(1) of section 4, the words “or halting” shall be omitted and for the words “fives miles”, the words “eight kilometers” shall be substituted; and

(b) in section 6-B,—

(i) for the figures “300” and “500” occurring in sub-section (1), the figures “500” and “1000” shall be substituted respectively;

(ii) for the words “that to which he is entitled under sub-section (1),” occurring in sub-section (3), the words “one thousand and five hundred rupees” shall be substituted; and

(iii) for clause (b) of sub-section (3) the following clause shall be substituted, namely:—

“(b) where the amount of pension to which he is entitled under such law or otherwise, is less than rupees one thousand and five hundred per mensem, such person shall be entitled to pension under sub-section (1) only of an amount which falls short of rupees one thousand and five hundred per mensem.”

Amendment
of the Salaries
and Allowances
of Deputy
Ministers
(Himachal
Pradesh)
Act, 1971.

Amendment
of the
Himachal
Pradesh
Legislative
Assembly
(Allowances
and Pension
of Members)
Act, 1971.

STATEMENT OF OBJECTS AND REASONS

Experience has shown that by virtue of their office, Ministers, Speaker, Deputy Speaker and Deputy Ministers have to incur additional expenditure. To meet this additional expenditure an allowance is required to be allowed to Ministers, Speaker, Deputy Speaker and Deputy Ministers for each day during the whole of their term as such Minister, Speaker, Deputy Speaker and Deputy Minister.

At present, sumptuary allowance is admissible to the Chief Minister and the Speaker. Due to price rise the amount of sumptuary allowance admissible to the Chief Minister and the Speaker is required to be increased and the sumptuary allowance is also required to be allowed to all Ministers; the Deputy Ministers and the Deputy Speaker.

It has been noted that the Members of the Legislative Assembly who are residing within five miles (or say 8 kilometers) of the place of sitting of the Assembly or its committees cannot draw halting allowance, as admissible to other members, for the period during which they are required to be at such place for attending the session or other legislative business. The amount of pension payable to the ex-legislators also require upward revision. This has necessitated amendments in the relevant provisions in the Law.

The Bill seeks to achieve the aforesaid objectives.

SHIMLA:

The, 20th August, 1986.

VIRBHADRA SINGH,
Chief Minister.

FINANCIAL MEMORANDUM

Clauses 2,3 and 4 of the proposed Bill enhancing the monetary limits of allowances payable to Ministers, Speaker, Deputy Speaker and Deputy Ministers and clause 5 extending facility of halting allowance to MLAs' residing within the limit of 8 kilometers from the station where the legislative business is transacted and increasing of pension payable to ex-legislators, when enacted, will involve extra expenditure approximately to the tune of Rs. 6.15 lakhs as recurring expenditure during the current financial year and thereafter to the tune of Rs. 9.20 lakhs as recurring expenditure per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[File No. GAD (PA)-4 (D)-11/86.]

The Governor of Himachal Pradesh, having been informed of the subject matter of the Himachal Pradesh Legislators (Modifications of Certain Amenities) Bill, 1986, recommends, under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.